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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,567	01/30/2002	Kelly Ann Kochvar	8411M	7678

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EXAMINER

YOON, TAE H

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/060,567	Applicant(s) KOCHVAR ET AL.	
	Examiner Tae H Yoon	Art Unit 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 15-17 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Applicant's election without traverse of Group I, claims 1-14 and 18-25, in the reply filed on August 4, 2004 is acknowledged.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-14 and 18-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recited solubility recited in claim 1 is indefinite in not specifying a particular film thickness and agitation (such as rpm) since said solubility is dependent on said film thickness and agitation (as well as temperature).

The recited preamble in claims 2-14, (The polymer film composition), lacks an antecedent basis in claim 1, and it should be "The film-forming composition".

The recited range with a range (preferably, more preferably and even more preferably) in claims 5 and 6 is indefinite and dependent claims having said narrow limitation are suggested.

The recited "derivative" in claim 12 is indefinite absent a particular functional group or substituent.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 10-12, 18, 19, 21, 22, 24 and 25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yang et al (Re 34,988).

Yang et al teach a film-forming composition, a film and pouches thereof at cols. 9 and 10. Table 1 shows solubility data and the examiner's position is that said solubility data inherently meet the instant solubility absent particular film thickness and agitation (such as rpm). Polyethylene glycol having a molecular weight of 200-400g/mole is a liquid inherently meets the instant principal solvent, and the use of a surfactant is taught at col. 8, lines 3-9. Pouches containing fabric softeners and detergents are also seen at

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col. 4, lines 11-22 and many fabric softeners and detergents contain a scent meeting the perfume.

Thus, the instant invention lacks novelty.

Claims 1-3, 7, 8, 10-12, 18, 19, 21, 22, 24 and 25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bianco et al (US 3,413,229).

Bianco et al teach a film-forming PVA composition, a film and pouches thereof at col. 2, lines 10-33 and 65 and in examples wherein the use of a surfactant is seen. Said pouches (and films) dissolve completely within 60 seconds at temperature as low as 70°F and below with moderate agitation (col. 3, lines 22-26) which meets the instant solubility. Polyethylene glycol having a molecular weight of 200-300g/mole is a liquid inherently meets the instant principal solvent (col. 2, lines 21-23). Many commercial detergents contain a scent in order to yield pleasant smell meeting the perfume.

Thus, the instant invention lacks novelty.

Claims 1-10, 12, 14, 18-21, 24 and 25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Albert (US 3,892,905).

Albert teaches a cold water soluble film-forming composition comprising a blend of a low molecular weight polyvinyl alcohol or polyvinyl pyrrolidone and a high molecular weight polyvinyl alcohol or polyvinyl pyrrolidone at col. 2, line 52 to col. 3, line 2 and in

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examples. The solubility taught at col. 3, lines 31-39 meets the instant solubility. The use of glycols as plasticizers is taught at col. 4, lines 5-10 and in example 16, and said glycols inherently meet the instant ClogP. Multi-layered and laminated packages are taught at col. 5, lines 44-63. Albert teaches laundry detergents and many commercial detergents contain a scent in order to yield pleasant smell meeting the perfume.

Thus, the instant invention lacks novelty.

Claims 1-10, 12, 14, 18-22, 24 and 25 are rejected under 35 U.S.C. 103(a) as obvious over Albert (US 3,892,905) and Yang et al (Re 34,988).

The instant invention further recites encapsulated fabric softening composition over Albert who teaches laundry detergents. Yang et al teach encapsulated fabric softening composition and laundry detergents.

It would have been obvious to one skilled in the art at the time of invention to utilize the art well known fabric softening composition of Yang et al in Albert since such encapsulation is well known practice in the art.

Claims 1-12, 14, 18, 19, 21, 24 and 25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wysong (US 4,119,604).

Wysong teaches a cold water soluble film-forming composition comprising a blend of a low molecular weight polyvinyl alcohol and a medium molecular weight polyvinyl alcohol in abstract and example 1 wherein viscosities of said PVA are taught.

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PVA having said viscosities inherently meet the instant molecular weight. The solubility taught at col. 11, lines 11-47 meets the instant solubility. The use of glycols as plasticizers is taught at col. 5, lines 3-26 and in tables 3, 4, 6 and 8, and said glycols inherently meet the instant ClogP. Wysong teaches laundry detergents and many commercial detergents contain a scent in order to yield pleasant smell meeting the perfume.

Thus, the instant invention lacks novelty.

Claims 1-12, 14, 18, 19, 21, 22, 24 and 25 are rejected under 35 U.S.C. 103(a) as obvious over Wysong (US 4,119,604) and Yang et al (Re 34,988).

The instant invention further recites encapsulated fabric softening composition over Wysong who teaches laundry detergents. Yang et al teach encapsulated fabric softening composition and laundry detergents.

It would have been obvious to one skilled in the art at the time of invention to utilize the art well known fabric softening composition of Yang et al in Wysong since such encapsulation is well known practice in the art.

Claims 18, 19, 21 and 24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over EP 593952.

EP teaches a cold water soluble PVA film and pouches containing a detergent in abstract. Said PVA film inherently yields the instant solubility absent particular film thickness and agitation (such as rpm). Thus, the instant invention lacks novelty.

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Claims 1-3, 7, 8, 10-14, 18, 19, 21, 22, 24 and 25 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Caswell et al (US 2003/0139312 A1).

Caswell et al teach the instant invention in examples 15 and 16. ClogP is seen in [0129] and cyclohexanedimethanol is taught in [0136].

Thus, the instant invention lacks novelty.

Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tae H Yoon
Primary Examiner
Art Unit 1714

THY/September 1, 2004